

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|   |   |                                    |
|---|---|------------------------------------|
| N.A. WATER SYSTEMS, LLC                       | ) |                                    |
| <i>by and through its successor by merger</i> | ) |                                    |
| VEOLIA WATER SOLUTIONS AND                    | ) |                                    |
| TECHNOLOGIES NORTH AMERICA                    | ) |                                    |
| INC.,   | ) | Case No: 2:13-cv-1507              |
| Plaintiff,                                    | ) |                                    |
|   | ) | Chief United States District Judge |
|   | ) | Joy Flowers Conti                  |
| v.  | ) |                                    |
|   | ) | United States Magistrate Judge     |
|   | ) | Cynthia Reed Eddy                  |
| ALLSTATES WORLDCARGO, INC;                    | ) |                                    |
| SOLORI FORWARDING S.A. DE C.V.;               | ) |                                    |
| CM NEGOCIOS INTERNACIONALES                   | ) |                                    |
| S. DE R.L. DE CV; SCHNEIDER                   | ) |                                    |
| ELECTRIC USA, INC.                            | ) |                                    |
| Defendants.                                   | ) |                                    |

**MEMORANDUM ORDER**

**Conti, Chief District Judge**

This action was commenced on September 19, 2013 against the above-captioned defendants in the Allegheny County Court of Common Pleas, and was removed to this court on October 17, 2013 pursuant to the Carriage of Goods by Sea Act, 46 U.S.C. § 30701 et seq. (ECF Nos. 1, 1-2). The case was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The magistrate judge's Report and Recommendation dated August 12, 2014 (ECF No.49) recommended that defendant Solori Forwarding S.A. de C.V.'s ("Solori") motion to dismiss Counts II and IV of the complaint (ECF No. 34) for lack of personal jurisdiction be granted with prejudice. On August 25, 2014, in lieu of filing objections to the Report and Recommendation,

Plaintiff N.A. Water Systems, LLC (“NA”) filed a stipulation of dismissal without prejudice as to Defendant Solori. (ECF No. 32). Thus, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), the claims asserted against Solori in the complaint were dismissed without prejudice by operation of law. Accordingly, the court need not address the merits of the Report and Recommendation, and Solori’s motion to dismiss for lack of personal jurisdiction (ECF No. 34) is denied as moot.

Also pending before the court are two motions to dismiss from Solori (ECF No. 36) and Defendant Allstates Worldcargo Inc. (“Allstates”) (ECF No. 30). Both motions seek dismissal of the cross-claim asserted by a co-defendant, Schneider Electric USA, Inc. (“Schneider”). The cross-claim provides:

If it is judicially determined that Plaintiff sustained damages, as alleged in the Complaint, which this Defendant specifically denies, then Schneider incorporates by reference as if more fully stated herein Plaintiff’s Complaint and any amendments made thereto and, without admission to same, asserts that present Defendants and/or Third-Party Defendants as well as future Defendants and/or Third-Party Defendants are jointly and/or severally liable with Schneider or liable over to Schneider for contribution and/or indemnity.

(ECF No. 24 at 10). Because Solori is no longer a defendant to this action and all claims in the complaint against it have been dismissed without prejudice, Solori’s motion to dismiss the cross-claim (ECF No. 36) is denied as moot.

Further, Allstates’ motion to dismiss the cross-claim (ECF No. 30) incorporates and relies on the arguments that it made in connection with its motion to dismiss against NA (ECF No. 5), which were rejected by the court in a memorandum opinion and order (ECF Nos. 51, 52) on September 26, 2014. Allstates made no other arguments in its motion to dismiss the cross-claim. Therefore, Allstates’ motion to dismiss Schneider’s cross-claim (ECF No. 30) is denied.

**AND NOW**, this 7th day of October, 2014, it is hereby **ORDERED, ADJUDGED AND DECREED** that defendant Solori's motion to dismiss the claims in the complaint against it for lack of personal jurisdiction (ECF No. 34) is **DENIED AS MOOT**.

It is further **ORDERED** that Solori's motion to dismiss Schneider's cross-claim (ECF NO. 36) is **DENIED AS MOOT**.

It is further **ORDERED** that Allstates' motion to dismiss Schneider's cross-claim (ECF No. 30) is **DENIED**.

It is further **ORDERED** that this matter is remanded back to the magistrate judge for all further pretrial proceedings.

BY THE COURT:

Dated: October 7, 2014

/s/ Joy Flowers Conti  
Joy Flowers Conti  
Chief, United States District Judge

cc: all counsel of record via CM-ECF